

Remarks

Claims 1–9, 45–55, and 59–67 are pending in this application. Claims 10–44 and 56–58 were previously canceled. Claim 2 has been amended to show an appropriate antecedent relationship between claims 1 and 2. The amended claim is fully supported by the specification. No new matter has been added.

Allowable Subject Matter

For the reasons stated below, applicants believe the section 112 and 101 rejections have been overcome. Therefore, claims 50–55 should be allowable as the examiner indicated.

Incorporation by Reference

As applicants previously noted in the record and the examiner acknowledged, the first paragraph of the specification states that the references cited in the application are incorporated by reference. The specification specifically refers to DSPs and DSP families from Texas Instruments, Analog Devices, and Motorola, and even provides some block diagrams of DSP architectures. Applicants believe that the specification sufficiently supports and enables the claims.

In addition to the disclosure in this application, one of ordinary skill in the relevant art is knowledgeable of the DSP features recited. As previously stated, the examiner's objection is tantamount to forcing an engineer to incorporate by reference all the engineering textbooks the engineer used while in engineering school.

For example, one of skill in the semiconductor art should recognize that integrated circuits or chips have power and ground rails, which supply power to the circuits of the chip, even if this was not explicitly stated in the specification; incorporation by reference would not be required. Similarly, this is the case for the term "DSP," especially for one of skill in the DSP area.

See also Dr. Li-Sheng Chen's declaration and discussion below for information on the knowledge of one of ordinary skill in the DSP area.

Section 132 Declaration of Dr. Li-Sheng Chen

Applicants submit a section 132 declaration by inventor Dr. Li-Sheng Chen in support of applicants' position against the section 112, first paragraph; section 101; and section 103 rejections.

Section 112. The examiner should withdraw the section 112 rejection because as Dr. Chen states, the specification does describe the subject matter of the claims in such a way as to enable one skilled in the art to make or use the invention.

Section 101. The examiner should withdraw the section 101 rejection because one of ordinary skill in the art recognizes that implementing a traffic manager in a DSP is clearly useful, concrete, and tangible. Traffic management is an important functionality that has utility and practical application. Further, as Dr. Chen emphasizes, compared to the prior art, the invention provides a lower cost way of performing traffic management by using a DSP. Moreover, as Dr. Chen states, the written description sufficiently reveals the details for a person of ordinary skill in the art to practice the invention.

Section 103. The examiner should withdraw the section 103 rejection because as discussed in the prosecution history of this application, the cited art is very different from the invention. Further, as Dr. Chen emphasizes, using full custom integrated circuits such as the MISD of U.S. patent publication 2003/0152084 (Lee) is completely contrary to the invention, being a significantly more costly approach.

Moreover, U.S. publication 2004/0062233 (Brown) should not be combined with Lee. Brown discusses a DSP, but used in a media processing and scheduling of media streams (e.g., transcoding video or audio for a phone). As Dr. Chen emphasizes, one of ordinary skill in the art at the time of the invention would not have used a DSP for any type of network traffic management processing. Therefore, the MISD and Brown references should not be combined.

Conclusion

For the above reasons, applicants believe all claims now pending in this application are in condition for allowance. Applicants respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner believes a telephone conference would expedite prosecution of this application, please contact the signee.

Respectfully submitted,

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